UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,493	01/09/2002	James M. McArdle	AUS920010928US1	6737

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EXAMINER
CHOW, CHIH CHING

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 11/03/2004

- Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
	10/042,493	MCARDLE, JAMES M.
Office Action Summary	**Examiner**	**Art Unit**	
	Chih-Ching Chow	2122	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *09 January 2002*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-9* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *09 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *01/09/2002*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on January 09, 2002.

2.   The priority date considered for this application is January 09, 2002.

3.   Claims 1-9 have been examined.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   As per independent claims 1(a), 5 (a), and 9 (a) , recites: "launching an external command to capture a system command environment", where 'capture a system command environment' is not clearly defined as to what are included and what are excluded. Examiner assumes that this paragraph means 'executing an external command in a computer environment, which can also execute a system command '. Thus, claims 2-4 and 6-8 are also rejected on, for being dependent on rejected base claims, respectively. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent 5,220,675, by Andrew D. Padawer et al. (hereinafter "Padawer"), in

view of Microsoft Press Computer Dictionary, Third Edition, 1997 (hereinafter

"Dictionary").

CLAIM	Padawer / Dictionary
1. A method of creating a customized command environment comprising;	Padawer teaches the technique to allow users to customize a group of commands and integrate them in a menu as a user interface, which can be executed in a computer environment. In Padawer's Abstract, "A method for allowing a user of a **computer program** to **customize a menu** (*menu of customized commands*) while the computer program is executing is provided. ... the computer program provides a **customized menu facility.** This facility allows a user to add a menu item (*add a command*) to a menu and associate that menu item with an **external computer program** (*external command*)."

(a) launching an external command to capture a system command environment;

For item (a), Padawer's disclosure teaches executing external computer program (**executing an external command**) on a computer environment. In Padawer's abstract, "The computer program in response to selection of the menu item by a user invokes the **external computer program**. Upon completion of the **execution** of the external computer program, **execution of the computer program is resumed.**"

(b) storing the system command environment in an array of strings;

For item (b), in Padawer column 5, lines 3-9, "the present invention contemplates the use of custom menu item (CMI) arrays 1002, 1004 for manipulating the menu items in the **user defined menu area 114. Specifically, array 1002 is used to store an array of command** menu items CMIs wherein each CMI array entry corresponds to a particular menu item."

(c) adding at least one parameter string to the array of strings; and

(d) linking the command to the command environment with the added parameter string.

For item (c) and (d), in Padawer column 4, lines 23-24, "the "**Arguments**" (*parameter*) field is used to **enter any arguments** to be passed to the **invoked program** (*linking the command with the passed in parameter*);" and in column 39, lines 30-35, "user customizable menus are provided in which virtually any program which may be executed on a computer may be invoked from within a predetermined **environment** wherein **arguments may be passed** from the predetermined environment **to the external program.**"

Padawer teaches all aspects of claim 1,

but he does not mention 'external command' specifically, however, Dictionary teaches it in an analogous prior art. Dictionary's definition of 'External Command' is as following: "A **program** included in an operating system that is **loaded** into memory and **executed** only when its name is entered at the system prompt. Although an external command is a **program** in its own right, it is called a command because it is included with the operating system". According to the Dictionary's definition, an 'external command' is a 'program' and will be executed within the system.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Padawer's teaching of the user defined programs to 'External Commands' taught by Dictionary, for the purpose of running a program other than an operating system command. (see Dictionary, page 186).

2. The method of claim 1 wherein the external command is any invocation of an external command to perform a predetermined task.

For the feature of claim 1 see claim 1 rejection. In Padawer column 2, lines 1-5, "The present invention provides a method and system for invoking utility and application programs and other programming environments from within the programming environment of the present invention, and returning to the programming environment once a **desired task** is completed." - this

sentence tells that for Padawer's disclosure, its invocation of an external command is to perform a **predetermined task**.

3. The method of claim 1 wherein the external command is launched from within a programming application.	For the feature of claim 1 see claim 1 rejection. Padawer's abstract, "the **computer program** provides a customized menu facility", computer program is a **programming application**.
4. The method of claim 1 wherein the additional parameter string added to the array of strings may include variables to be passed to the customized command environment.	For the feature of claim 1 see claim 1 rejection. In Padawer, column 6, lines 61-64, "When invoked, item 1202 reads the value of "Current.sub.-- Count" **variable** to determine the size of the CMI **array** and whether a CMI **array** location or slot is available." - Padawer teaches additional variable maybe passed to a customized command environment.

5. A computer usable medium storing a program for creating a specialized command environment comprising:
 	
  (a) computer readable code to launch an external command to capture a System Command environment;
 	
  (b) computer readable code to store the system command environment in an array of strings;
 	
  (c) computer readable code to add at least one parameter string to the array of strings; and
 	
  (d) computer readable code to link the command environment with the added
	Claim 1 rejection also apply to this claim since in Padawer's abstract recites, 'the **computer program** provides a customized menu facility', which is computer **readable code**.

parameter string.

6. The computer usable medium of claim 5 wherein the external command is any invocation of an external command to perform a predetermined task.	For the feature of claim 5 see claim 5 rejection. For the rest of the feature see claim 2 rejection.
7. The computer usable medium of claim 5 wherein the external command is launched from within a programming application.	For the feature of claim 5 see claim 5 rejection. For the rest of the feature see claim 3 rejection.
8. The computer usable medium of claim 5 wherein the additional parameter string added to the array of strings may include variables to be passed to the customized command environment.	For the feature of claim 5 see claim 5 rejection. For the rest of the feature see claim 4 rejection.

9. A system for creating a specialized command environment comprising:
  (a) means for launching an external command to capture a system command environment;
  (b) means for storing the system command environment in an array of strings;
  (c) means for adding at least one parameter string to the array of strings; and
  (d) means for linking the command to the command environment with the added parameter string.
	Same as claim 1 rejection.

Conclusion

The following summarizes the status of the claims:

35 USC § 112 rejection: claims 1-9.

35 USC § 103 rejection: claims 1-9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Ching Chow
Examiner
Art Unit 2122

CC

TUAN DAM
SUPERVISORY PATENT EXAMINER